

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 24, 2003

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Andreason and Brandt, absent and formally excused by the Chair; and Senators Burtenshaw, Ingram, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Erin Darnell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Burtenshaw and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 23, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Ingram was recorded present at this order of business.

January 24, 2003

The JUDICIARY AND RULES Committee reports that **S 1023**, **S 1024**, **S 1025**, and **S 1026** have been correctly printed.

DARRINGTON, Chairman

S 1023 was referred to the Education Committee.

S 1024 and **S 1025** were referred to the Finance Committee.

S 1026 was referred to the Commerce and Human Resources Committee.

January 24, 2003

The FINANCE Committee reports out **S 1024** and **S 1025** with the recommendation that they do pass.

CAMERON, Chairman

S 1024 and **S 1025** were filed for second reading.

January 24, 2003

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

J. Morgan Evans to the Idaho Soil Conservation Commission, term to expire July 1, 2006;

Gary Grindstaff to the Idaho Soil Conservation Commission, term to expire July 1, 2007.

WILLIAMS, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 23, 2003

Mr. President:

I transmit herewith **H 87**, **H 54**, **H 55**, **H 79**, and **H 80** which have passed the House.

JUKER, Chief Clerk

H 87, **H 54**, **H 55**, **H 79**, and **H 80** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that **HCR 4** was before the Senate for final consideration.

Moved by Senator Darrington, seconded by Senator Marley, that **HCR 4** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Brandt. Total - 2.

Total - 35.

Whereupon the President declared **HCR 4** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 5** was before the Senate for final consideration.

Moved by Senator Lodge, seconded by Senator Marley, that **HCR 5** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Brandt. Total - 2.

Total - 35.

Whereupon the President declared **HCR 5** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 6** was before the Senate for final consideration.

Moved by Senator Sorensen, seconded by Senator Marley, that **HCR 6** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Brandt. Total - 2.

Total - 35.

Whereupon the President declared **HCR 6** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 7** was before the Senate for final consideration.

Moved by Senator Richardson, seconded by Senator Marley, that **HCR 7** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Brandt. Total - 2.

Total - 35.

Whereupon the President declared **HCR 7** adopted, title was approved, and the resolution ordered returned to the House.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Marcus Gibbs was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Noh, that the Gubernatorial appointment of Marcus Gibbs as a member of the Idaho Fish and Game Commission be confirmed. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stennett, Calabretta, and Marley.

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Andreason, Brandt. Total - 2.

Total - 35.

The President declared the motion had prevailed and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

**S 1027
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT**

RELATING TO THE IDAHO REAL ESTATE BROKERAGE REPRESENTATION ACT; AMENDING SECTION 54-2086, IDAHO CODE, TO PROVIDE THAT BROKERAGES AND THEIR LICENSEES ARE REQUIRED TO DISCLOSE ONLY THOSE ADVERSE MATERIAL FACTS THAT ARE ACTUALLY KNOWN AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2087, IDAHO CODE, TO PROVIDE THAT BROKERAGES AND THEIR LICENSEES ARE REQUIRED TO DISCLOSE ONLY THOSE ADVERSE MATERIAL FACTS THAT ARE ACTUALLY KNOWN, TO DELETE LANGUAGE REQUIRING THAT BROKERAGES AND THEIR LICENSEES CONDUCT CERTAIN INVESTIGATIONS, TO PROVIDE THAT UPON REQUEST BY A CLIENT OR SELLER BROKERAGES AND THEIR LICENSEES SHALL REQUEST CERTAIN PROOF RELATING TO A PROSPECTIVE BUYER'S FINANCIAL ABILITY TO PURCHASE REAL PROPERTY AND TO PROVIDE THAT BROKERAGES AND THEIR LICENSEES OWE NO DUTY TO CONDUCT INDEPENDENT INSPECTIONS OF PROPERTY, TO INDEPENDENTLY VERIFY CERTAIN STATEMENTS OR REPRESENTATIONS OR TO CONDUCT INDEPENDENT INVESTIGATIONS RELATING TO A PARTY'S FINANCIAL ABILITY; AND AMENDING SECTION 54-2093, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE VICARIOUS LIABILITY OF CLIENTS, LICENSEES AND BROKERAGES.

S 1027 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 87, by Appropriations Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 54 and **H 55**, by Mr. Speaker, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 79 and **H 80**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 70, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1004, S 1005, S 1006, S 1007, and S 1008, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1022, by Finance Committee, was read the second time at length and filed for third reading.

S 1009, by State Affairs Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Monday, January 27, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary